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| LIN, JASON K | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/618,854

Applicant(s)

KATAGISHI ET AL.

Examiner

JASON K. LIN

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to application No. 10/618,854 filed on 06/19/2009.

Claims 15-19 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to **claims 15-19** have been considered but are moot in view of the new ground(s) of rejection.

Please note applicant has only amended the claims to recite "a mobile terminal" and have not further defined in the claims that it may be a "mobile phone". Allport's mobile device meets the newly amended claimed limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 15, 18, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US 6,567,984), in view of Takahashi (US 7,185,283), and further in view of Got et al. (US 2002/0037159).

Consider **claim 15**, Allport teaches a mobile terminal (Fig.1) capable of communicating with an external recorder/player and controlling a reproduction of video information of a program stored in the external recorder/player (Fig.2; Col 12: lines 49-53 teaches base station is physically integrated with remote control.

Col 11: line 56 - Col 12: line 4 teaches remote control communicating to an external recorder/player to play video information), comprising:

a broadcast receiver which receives a broadcast signal that contains video information of a program and information about the program (Col 3: lines 55-61 teaches portable remote control with an integrated video display that may include an integrated TV tuner. Col 9: lines 45-51 teaches the different type of signals that may be received which may also contain embedded data. Col 12: lines 13-15 teaches a broadcast TV signal that also contains embedded data that is broadcast);

a display which displays the video information received by the broadcast receiver (Col 6: lines 10-22 teaches a display area 15-Fig.1 of remote control device which is capable of display full motion video, such as images produced by broadcast TV signals);

a storage (330, 335, 340 memories - Fig.4), mobile terminal (Fig.1);

a transmitter which transmits information to the external recorder/player (Col 10: lines 36-42, Col 11: line 56 – Col 12: line 5 teaches remote control transmitting commands to external recorder/player); and

the transmitter so as to transmit the information about the program to the external recorder/player when a reproduction instruction is inputted by the user (Col 11: line 56 – Col 12: line 5);

Allport does not explicitly teach a storage which extracts a part of the video information as program identification image information and stores the

program identification image information associated with the information about the program when a recording instruction is inputted by a user of the terminal while the video information is being displayed by the display;

a controller which controls the display so as to display the program identification image information stored in the storage and transmit the information about the program associated with the program identification image information to the external recorder/player when a reproduction instruction is inputted by the user after the program identification image information displayed by the display has been selected by the user.

In an analogous art Takahashi teaches a storage (high-speed storage unit C12 – Fig.1) which extracts a part of video information as program identification image information and stores program identification image information associated with the information about the program when a recording instruction is inputted by a user of the terminal (Col 31: lines 21-40, 52-54 teaches thumbnail picture information extracted from the stream when a user uses an intake instruction of a video image);

a controller (Semantic Browser Means C1 – Fig.1, 2) which controls a display so as to display the program identification image information stored in the storage and transmit the information about the program associated with the program identification image information to an external recorder/player when a reproduction instruction is inputted by the user after the program identification

image information displayed by the display has been selected by the user (Col 31: line 66 – Col 32: line 16, Col 32: lines 44-48, Col 29: lines 51-62).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the Allport's system to include a storage which extracts a part of video information as program identification image information and stores program identification image information associated with the information about the program when a recording instruction is inputted by a user of the terminal; a controller which controls a display so as to display the program identification image information stored in the storage and transmit the information about the program associated with the program identification image information to an external recorder/player when a reproduction instruction is inputted by the user after the program identification image information displayed by the display has been selected by the user, as taught by Takahashi, for the advantage of providing the user with the ability to easily mark desired programming, and allowing them to quickly visually recognize desired programming instead of searching through text/titles that may be unfamiliar, allowing users to view desired programming from an external device with minimal effort, providing a more enjoyable entertainment experience.

Allport and Takahashi do not explicitly teach extracting a part of the video information while the video information is being displayed by the display.

In analogous art Goto teaches extracting a part of the video information while the video information is being displayed by the display (Paragraph 0053-

0055, 0051 teaches a recording command is issued, the designated content signal fed from tuner 11-Fig.1, is recorded along with auxiliary information, and a corresponding start picture thumbnail representing the program of the content signal is stored. Paragraph 0034, 0038 teaches the path flow of video information from the tuner to the TV to be displayed. *Therefore, during reception of a content signal via the tuner, that outputs the content signal onto the display, the video information is being displayed while the user issues the record command).*

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Allport and Takahashi to include extracting a part of the video information while the video information is being displayed by the display, as taught by Goto, for the advantage of allowing the user to view and better determine and confirm desired content prior to recording and saving pertinent information, allowing them to make a more informed decision on what to record.

Consider **claim 18**, Takahashi further teaches wherein information about a program is information that indicates a program ID, a program title, a broadcast channel or a broadcast time zone (Col 21: lines 19-24).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Allport, Takahashi, and Goto to include extracting a part of the video information while the video information is being displayed by the

display, as further taught by Takahashi, for the advantage of allowing the system to easily identify and recognize programming indicated by the user, allowing programming to be quickly referenced and provided to the user.

Consider **claim 19**, Allport, Takahashi, and Goto teach wherein the program identification image information is still picture information (Takahashi – Col 31: lines 33-34 teaches thumbnail picture are still image).

5. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US 6,567,984), in view of Takahashi (US 7,185,283), in view of Got et al. (US 2002/0037159), and further in view of Ellis et al. (US 2005/0028208).

Consider **claim 16**, Allport, Takahashi, and Goto do not explicitly teach wherein the transmitter transmits a recording instruction with the information about the program to the external recorder/player when the recording instruction is inputted by the user.

In an analogous art, Ellis teaches wherein a transmitter transmits a recording instruction with information about a program to an external recorder/player when a recording instruction is inputted by a user (Paragraph 0127, 0163).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Allport, Takahashi, and Goto to include wherein a transmitter transmits a recording instruction with information about a program to

an external recorder/player when a recording instruction is inputted by a user, as further taught by Ellis, for the advantage of allowing the system to easily identify and record desired programming on a larger recording device in order for users to view programming at their leisure at a later time.

6. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US 6,567,984), in view of Takahashi (US 7,185,283), in view of Goto et al. (US 2002/0037159), in view of Ellis et al. (US 2005/0028208), and further in view of Kanemitsu (US 6,854,127).

Consider **claim 17**, Allport, Takahashi, and Goto teaches a receiver which receives information from the external recorder/player (Allport – Col 3: lines 60-63, Col 11: lines 54-60; Takahashi – Col 26: lines 18-20, 60-64), but does not explicitly teach wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program.

In an analogous art Kanemitsu teaches, wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program (Abstract, Col 2: lines 54-63, Col 2: line 67 – Col 3: line 2, Col 8: lines 10-20).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Allport, Takahashi, and Goto to include wherein the receiver receives information about a rebroadcast of the program and the

controller controls the display so as to display the information about the rebroadcast of the program, as taught by Kanemitsu, for the advantage of providing the user with valuable information on desired content, allowing them to obtain the complete content with ease via the client system (Kanemitsu - Col 2: line 54-63).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on 10AM - 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Lin/
Examiner, Art Unit: 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425